

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**MAURICE L. COLEMAN, SR. and
ROBERT F. BAKER,**

Plaintiffs,

v.

**JEFFERY NEWTON, Director of
Douglas County Corrections, & Staff
Leaders, LT. ROCCA FORTE,
UNKNOWN CAPTAIN, UNKNOWN
LT'S, and UNKNOWN SARGEANTS,**

Defendants.

CASE NO. 8:08CV10

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Robert F. Baker's ("Baker") Motion for Leave to Appeal In Forma Pauperis. (Filing No. [28](#).) On November 14, 2008, the court dismissed Plaintiffs' Complaint for failure to prosecute diligently and entered Judgment. (Filing Nos. [18](#) and [19](#).) On November 21, 2008, Plaintiff Maurice L. Coleman, Sr. ("Coleman") filed a Notice of Appeal. (Filing No. [20](#).) In his Notice of Appeal, Coleman stated that he had "no idea of the where-abouts and/or conditions or intentions of" Baker, and that he was "proceeding alone" on his appeal. (*Id.*) On December 29, 2008, the court granted Coleman leave to proceed in forma pauperis on appeal. (Filing No. [24](#).)

Pro se litigants may not represent other parties, even in class action proceedings. "Every court that has considered the issue has held that a prisoner proceeding pro se is inadequate to represent the interests of his fellow inmates in a class action." [Craig v. Cohn](#), 80 F. Supp. 2d 944, 946 (N.D. Ind. 2000) (citations omitted); see also [Oxendine v. Williams](#), 509 F.2d 1405, 1407 (4th Cir. 1975) ("[I]t is plain error to permit this imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action.");

Fymbo v. State Farm Fire and Cas. Co., 213 F.3d 1320, 1321 (10th Cir. 2000) (“A litigant may bring his own claims to federal court without counsel, but not the claims of others.”). Baker has never filed a notice of appeal in this matter. In addition, Coleman may not represent Baker in this matter, and Coleman’s Notice of Appeal was not signed by, and does not apply to, Baker. In light of this, Baker’s Motion is denied.

IT IS THEREFORE ORDERED that: Plaintiff Robert F. Baker’s Motion for Leave to Appeal In Forma Pauperis (Filing No. [28](#)) is denied.

DATED this 29th day of June, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge